

The Honorable Greg Abbott  
Governor of Texas  
P.O Box 12428  
Austin, TX 78711

August 27, 2021

Dear Governor Abbott,

The 70 undersigned organizations that advocate for children - 24 from Texas, with supporting organizations from across the country - write to urge you to withdraw your May 31 [Proclamation](#). In particular, we are concerned about the proclamation's direction that the Texas Health and Human Services Commission (HHSC) wind down current state licenses for residential care providers that care for unaccompanied children by August 31st and deny future licenses to providers who seek to care for unaccompanied children.

Since last fall, you have expressed concern for the safety and well-being of arriving children, calling on the Biden administration to "[act now to keep these children safe](#)." We share your desire to keep children safe, as do the American people. In a [poll](#) published in April, the majority of Americans agreed that the federal government's highest immigration priority should be to provide safe treatment for unaccompanied children at the border. The American people also [agree](#) that every policy should be governed by a "best interest of the child" standard. While we firmly believe that our organizations and your office share the same goal, the May 31 proclamation could disrupt children's care by state-licensed Texas providers, put children at risk of harm, and deny them the safety and support that every child in Texas should have.

**1. Revoking state licensure of residential operations could disrupt unaccompanied children's care.**

Unaccompanied children arrive at our border from all over the world. Many have experienced persecution, family violence, and trafficking in their home country and had no choice but to flee and find safety in the United States. Once they reach our borders, our law requires that we provide unaccompanied children the care we provide [any child who is outside their family's care](#): placement in the least restrictive setting in their best interests and basic services until they can be safely reunited with family. These children are children first, and should have trauma-informed and developmentally appropriate care that every child separated from their family needs.

For more than two decades and across five Administrations, unaccompanied children have received care from state-licensed Texan providers. Under [Texas licensing standards](#), these facilities must provide children with trauma-informed care and meet their cultural needs. Through this work, providers have developed expertise in the particular needs of unaccompanied children, including an understanding of their varying cultural backgrounds and particularized needs. Children have benefited from providers' work to safely reunite them with

family members in Texas or elsewhere in the country, as 85 percent of children in government custody have family who could care for them. Children also have their needs met through providers' relationships with Texas stakeholders, including community organizations that provide medical, mental health, and educational services. It is in children's best interests to continue receiving care from state-licensed providers, like those in Texas, until they are reunited with their family.

Currently, Texas is home to [approximately half](#) of the placements for unaccompanied children in government custody. Children often develop relationships with care provider staff, particularly case managers who are facilitating their reunification with family. If the State of Texas revokes licenses from facilities helping children, those children may be moved to other placements, which is deeply disruptive for children who have already been displaced from their home communities and are adjusting to a new life in the United States. Disruption of healthy relationships and family reunification services at such a critical time in the child's life may result in [toxic stress](#), which can have long-term impacts on a child's physical, mental, and emotional health. Withdrawing the proclamation would allow children to stay with providers that are working to reunite them with family and who have developed years of expertise working with unaccompanied children.

## **2. Removing state oversight puts vulnerable children at risk of harm.**

Given their ages and developmental stages, unaccompanied children are particularly vulnerable to violence and exploitation and may experience additional persecution, violence and trafficking during their arduous journey or even upon arrival to the United States. Our current system of care for unaccompanied children was developed because of the unsafe and inhumane conditions that children experienced in the past. Before the establishment of the current federal system, children were held by federal immigration enforcement agencies in jail-like settings with unrelated adults for indefinite periods of time, without educational or recreational services. In 1997, the *Flores* Settlement Agreement set basic standards of care, including the requirement that facilities caring for children be state licensed. In 2008, the Trafficking Victims Protection Reauthorization Act (TVPRA)—a bipartisan anti-trafficking law unanimously approved by Congress and signed by President George W. Bush—reiterated many of the requirements in *Flores*. Since then, children have received short-term care from state-licensed providers funded by the Office of Refugee Resettlement (ORR).

The May 31 proclamation could threaten the health, safety, and well-being of children in government custody and undermine efforts to ensure all children have access to child-appropriate placements. As you have noted in the Proclamation, state regulation and oversight of residential care facilities are critical elements for child safety and proper care. [State licensing standards](#) exist to ensure the physical site, staffing levels, and services are safe for children. Licensing standards also provide benchmarks for the state's continued evaluation of a facility's compliance with legal requirements for children's well-being. When children are in unlicensed facilities, the lack of licensing safeguards may result in threats to their health and safety, such as insufficient staffing levels, inappropriate staff, inadequate services, harmful

disciplinary actions, and risks of physical/sexual abuse and trafficking. Indeed, there has been [documentation](#) of such harms to children in unlicensed facilities. Ultimately, children deserve to be safe and cared for in licensed facilities.

### **3. All children in Texas should benefit from high quality care and services.**

The ORR Unaccompanied Children’s Program is separate and distinct from the Texas foster care system, but both systems share similar child welfare goals. As noted by the [Texas Department of Family and Protective Services](#), a key goal of the child welfare system is for children to find permanency and safety with their own families, or in another family-based setting. Similarly, ORR is obligated to make “[prompt and continuous efforts](#)” to reunite children with family members, or otherwise provide appropriate care for children who do not have a sponsor. Texas leaders made important strides this legislative session to ensure that children in the custody and care of the state’s foster care system are kept safe. State leaders are currently working to invest in the child and family serving providers who offer direct care at state-licensed facilities. Migrant children, who are similarly vulnerable, deserve the same safety and support.

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For all the reasons given above, we urge you to support the health and safety of children by rescinding the May 31 proclamation. Thank you for your consideration, and we look forward to working with you for the best interests of all children in Texas.

Signed,

#### **Texas Organizations:**

Children’s Defense Fund-Texas  
Austin Chapter - National Association of  
Pediatric Nurse Practitioners  
CHILDREN AT RISK  
Families Especial Inc  
Fellowship Southwest  
Foster Texas  
Houston Chapter - National Association of  
Pediatric Nurse Practitioners  
Human Rights Initiative of North Texas  
Interfaith Welcome Coalition—San Antonio  
Jane’s Due Process  
Jolt  
Miracle Foundation

Prevention Institute  
RAICES  
Rock Solid Foundation, LLC  
Texans Care for Children  
Texas AFL-CIO  
Texas Civil Rights Project  
Texas Pediatric Society  
Texas State Teachers Association  
TexProtects  
VECINA  
Vivent Health  
Woori Juntos

**Supporting Organizations:**

First Focus on Children  
Al Otro Lado  
American Academy of Pediatrics  
America's Voice  
Amnesty International USA  
Association of Children's Residential & Community services (ACRC)  
Association of Farmworker Opportunity Programs  
Cameroon American Council  
Center for Law and Social Policy (CLASP)  
Child Labor Coalition  
Child Welfare League of America  
ChildFund  
Church World Service  
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces  
Cooperative Baptist Fellowship  
ELCAAMMPARO  
Farm Worker Ministry Northwest  
Global Campaign for Education-US  
HIAS  
Immigration Hub  
Kids in Need of Defense (KIND)  
Media Voices for Children  
Michigan Immigrant Rights Center  
National Advocacy Center of the Sisters of the Good Shepherd  
National Association of Pediatric Nurse Practitioners  
National Child Care Association  
National Consumers League  
National Farm Worker Ministry  
National Immigrant Justice Center  
National Immigration Forum  
National Immigration Law Center  
National Network for Immigrant & Refugee Rights  
National Resource Center on Domestic Violence  
Our Children Oregon  
Project Lifeline  
Public Advocacy for Kids (PAK)  
Save the Children  
Sisters of Mercy of the Americas Justice Team  
Sycamores  
The Advocates for Human Rights  
US Committee for Refugees and Immigrants  
Westchester Jewish Coalition for Immigration  
Witness at the Border  
Women's Refugee Commission  
Young Center for Immigrant Children's Rights (in Harlingen, Houston, San Antonio)  
ZERO TO THREE